

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL,)	
)	
Plaintiff,)	Civil Action No. 06 - 987
)	
v.)	Chief Judge Donetta W. Ambrose
)	Magistrate Judge Lisa Pupo Lenihan
JEFFREY A. BEARD, PH.D, <i>Secretary,</i>)	
<i>Department of Corrections;</i> ALAN B.)	
FOGEL, <i>Bureau of Health Care and Food</i>)	
<i>Services;</i> SHARON BURK, <i>Chief Grievance</i>)	
<i>Coordinator;</i> SUPERINTENDENT HARRY)	
WILSON, <i>Superintendent;</i> CAROL A.)	
SCIRE, <i>Superintendent Assistant/Grievance</i>)	
<i>Coord;</i> DEPUTY LINDA A. HARRIS,)	
<i>Deputy Superintendent;</i> ROBERT BOB)	
TRETNIK, <i>Health Care Administrator;</i>)	
JOHN DOE, <i>Medical Director,</i>)	
)	
Defendants.)	

ORDER

The above captioned case was initiated on July 19, 2006 by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 2), filed on August 10, 2006, recommended that Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full

filing fee within sixty (60) days. The Plaintiff was served at SCI Fayette, Box 9999, LaBelle, PA 15450-0999. The Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed timely Objections to the Report and Recommendation (Doc. No. 4) on August 17, 2006, which have been reviewed and have been found to be without merit. After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:


AND NOW, this 11th day of Oct., 2006;

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 2) of Magistrate Judge Lenihan, dated August 10, 2006, is adopted as the opinion of the court.

Dated:

By the Court:


Donetta W. Ambrose
Chief United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

BRUCE FERRELL
EC-7373
State Correctional Institution Mahanoy
301 Morea Road
Frackville, PA 17932